

## **REMARKS**

In the Office Action mailed by the United States Patent and Trademark Office on January 12, 2010, claims 1,7,8,11,12,22, and 27 were rejected under 35 U.S.C. 103(a) as being unpatentable over Vatter (US 6224888) in view of Wadsworth (WO 01/15537 A1) and Ferrari et al. (US 6402048 B1). Accordingly, Applicant respectfully provides the following:

### **Rejections under 35 U.S.C. 103**

Claims 1, 7, 8, 11, 12, 22 and 27 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 6,224,888 (“Vatter”) in view of W.O. 01/15537 (“Wadsworth”) and U.S. 6,402,408 (“Ferrari”). Attached herewith, please find a corrected petition to accept an unintentionally delayed benefit claim, with reference to the prior application and a statement that the entire delay between the date the claim was due and the date the claim was filed was unintentional. Applicant requests that the present application be afforded the benefit of the filing date of the prior-filed applications referenced in the first paragraph of this pending application. Afforded the priority date of the applications referenced in the first paragraph of this application, the present application claims a priority date of December 5, 2000 and claims priority to Wadsworth. Accordingly, Wadsworth may not be utilized as art which precludes the patentability of the present application under 35 USC § 103, and Applicant respectfully requests that all rejections over Wadsworth be withdrawn at this time.

## **CONCLUSION**

Applicants submit that the amendments made herein do not add new matter and that the claims are now in condition for allowance. Accordingly, Applicants request favorable reconsideration. If the Examiner has any questions or concerns regarding this communication, the Examiner is invited to call the undersigned.

Dated this 17th day of December, 2010.

Respectfully submitted,

KIRTON & McCONKIE

/Michael F. Krieger/

Michael F. Krieger  
Reg. No. 35,232

Kirton & McConkie  
1800 Eagle Gate Tower  
60 East South Temple  
Salt Lake City, Utah 84111  
Telephone: (801) 321-4814  
Fax: (801) 321-4893

JRM/law